IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 207 OF 2005

Singhal & Brothers .. Applicant

Vs.

General Manager, Central Railway, Mumbai CST and ors. .. Respondents

Ms. Bhadra N. Dalal for applicant.
Ms. V.M. Chaudhari i/b S.C. Dhawan for respondents.

CORAM : B. H. MARLAPALLE,J.

Date : March 03, 2006.

P.C.:

1. Heard the learned counsel for the respective parties. This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an arbitral Tribunal in terms of Clause 64(1)(i) of the Contract dated 9/11/2001.

2. It was initially noted that the applicant had filed S.C. Suit No.1268 of 2005 before the City Civil Court, Mumbai and the learned counsel for the applicant has now placed on record a certified true copy of the order dated 20/2/2006 passed by the said court whereby the suit has been dismissed as withdrawn along with Notice of Motion No.1011 of 2005.

3. The respondents do not dispute the claim of

Clause No.64(1)(i) of the General Conditions of Contract dated 9/11/2001 and as per the said clause an arbitral Tribunal of three members is required to be constituted. The claims sought to be referred for arbitration have been set out in Exhibit "H" annexed to this application which is the letter dated 28/5/2005 submitted by the applicant to the General Manager, Central Railway, CST, Mumbai. The learned counsel for the respondents states that the respondents also have some claims pending against the applicant.

4. The respondent no.1 is hereby directed to constitute the arbitral Tribunal under Clause 64(1)(i) of the General Conditions of Contract dated 9/11/2001 as expeditiously as possible and in any case within a period of eight weeks from today and undoubtedly the applicant will be given the names of three Arbitrators to choose one of them as its nominee for constituting such Tribunal.

5. The application is disposed off in terms of the above directions.

(B.H. Marlapalle, J.)